

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: February 16, 2005
Bulk Item: Yes ☐ No ☐

Division: County Attorney
Staff Contact Person: Pedro Mercado

AGENDA ITEM WORDING: Authority to initiate litigation and seek an injunction against Nancy Brower.

ITEM BACKGROUND: This action stems from a code enforcement case against Ms. Brower and an ongoing rat infestation. The initial complaint dates back to January of last year. The neighbor directly adjacent and most immediately impacted by the infestation made a complaint to code enforcement. Code enforcement inspected and issued a notice of violation for unsanitary conditions and for trash and debris to Ms. Brower. The case was set for a hearing in March of 2003 and Ms. Brower was found in violation of both ordinances. She was ordered to cleanup the material that the rats were feeding from and to set bait traps. After several continuances the property was finally brought into compliance in August. In November, a complaint was again lodged with code enforcement and upon inspection code enforcement found that the situation had again deteriorated and the property was again infested with rats. It is important to understand that the rats are attracted to a large "bird cage" that was added on to the exterior of the trailer. Ms. Brower dumps large amounts of peanuts onto the floor of this cage to which the rats are attracted. Since the November complaint, code enforcement has made 5 visits to the property. Not once during the 5 visits did code enforcement see a bird in this cage. Notwithstanding the lack of birds, there was an abundance of peanuts strewn throughout the floor of the cage. The code enforcement inspector conducted 2 of the site visits during evening hours and videotaped the property and the cage. Rats are clearly seen scampering across the roof of Ms. Browers trailer on their way to the cage. The inspector captured on video a number of rats entering the cage looking for food, inside the cage foraging, and exiting the cage with peanuts. No birds can be seen on either of the videotapes. The cage was built without benefit of a permit however it has been in existence over 4 years. If code enforcement action does not resolve the situation, the county would seek to enjoin the cage as a nuisance and asked the court to order that it be demolished.

PREVIOUS RELEVANT BOCC ACTION:

None

CONTRACT/AGREEMENT CHANGES:

N/A

STAFF RECOMMENDATIONS:

Approval

TOTAL COST: _____

BUDGETED: Yes ☐ No ☐

COST TO COUNTY: _____

SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes ☐ No ☐ **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty JS OMB/Purchasing _____ Risk Management _____

DIVISION DIRECTOR APPROVAL:

J. R. Collins 01/31/05

J. R. Collins

DOCUMENTATION: Included ☐

Not Required ☐

DISPOSITION: _____

AGENDA ITEM # _____